

I. REMARKS

A. Double Patenting Rejections

In the Office Action, the Examiner rejected claims 1-3, 10-12, 15 and 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12 and 13 of U.S. Patent No. 5,411,745, and claims 9-17 of the instant application were rejected over claims 12-20 of U.S. Patent No. 6,077,533.

In response, Applicants respectfully submit terminal disclaimers in compliance with 37 C.F.R. 1.321(c) to overcome the double patenting rejections.

Applicants note that the obviation of an obvious-type double patenting rejection by the filing of a terminal disclaimer is not an admission, acquiescence, or estoppel on the merits of an issue of obviousness. *See Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 873-74, 20 U.S.P.Q.2d 1392, 1394-95 (Fed. Cir. 1991).

II. CONCLUSION

It is respectfully submitted that this case is now in condition for allowance. An early and favorable action on the merits is earnestly solicited.

According to currently recommended Patent Office policy the Examiner is requested to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

Respectfully submitted,
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